

103D CONGRESS
1ST SESSION

H. R. 1292

To amend the Immigration and Nationality Act with respect to improvements in enforcement of anti-discrimination provisions of that Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1993

Mr. MARTINEZ introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act with respect to improvements in enforcement of anti-discrimination provisions of that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; CONGRESSIONAL APPROVAL OF**
4 **GAO FINDINGS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Immigration Anti-Discrimination Improvement Act of
7 1993”.

8 (b) CONGRESSIONAL APPROVAL OF GAO FIND-
9 INGS.—The Congress approves the findings of the Comp-
10 troller General contained in the General Accounting Office

1 (GAO) report entitled “Immigration Reform: Employer
2 Sanctions and the Question of Discrimination”, dated
3 March 29, 1990 (identification number GAO/GGD-90-
4 92).

5 **SEC. 2. APPLICATION OF PENALTIES FOR VIOLATION OF**
6 **ANTI-DISCRIMINATION PROVISIONS.**

7 (a) IN GENERAL.—Section 274B(c) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1324b(c)) is amended
9 by adding at the end the following new paragraph:

10 “(5) USE OF FUNDS.—Notwithstanding section
11 3302 of title 31, United States Code, all civil pen-
12 alties collected under this section shall be credited to
13 the appropriation to be used in carrying out this sec-
14 tion.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply to penalties assessed during fis-
17 cal years beginning with fiscal year 1994.

18 **SEC. 3. INCREASE IN BUDGET AUTHORIZATION FOR SPE-**
19 **CIFIC ENFORCEMENT.**

20 In addition to any other accounts authorized to be
21 appropriated, there are authorized to be appropriated for
22 each fiscal year (beginning with fiscal year 1994),
23 \$10,000,000 for activities of regional offices of the Special
24 Counsel for Immigration-Related Unfair Employment
25 Practices within the Department of Justice.

1 **SEC. 4. ANNUAL REPORTS.**

2 Section 274B of the Immigration and Nationality Act
3 (8 U.S.C. 1324b) is amended by adding at the end the
4 following new subsection:

5 “(m) ANNUAL REPORTS.—

6 “(1) GAO.—The Comptroller General shall sub-
7 mit to Congress each year a report concerning—

8 “(A) the pervasiveness of unfair immigra-
9 tion-related employment practices described in
10 subsection (a), and

11 “(B) enforcement under this section with
12 respect to such practices.

13 “(2) ATTORNEY GENERAL.—The Attorney Gen-
14 eral shall submit to Congress each year a report on
15 the enforcement actions under this section (and
16 under title VII of the Civil Rights Act of 1964) with
17 respect to unfair immigration-related employment
18 practices described in subsection (a).”.

19 **SEC. 5. RECEIPT OF CHARGES THROUGH DISTRICT OF-**
20 **FICES.**

21 Section 274B(c)(4) of the Immigration and National-
22 ity Act (8 U.S.C. 1324b(c)(4)) is amended by adding at
23 the end the following: “The Special Counsel shall provide
24 for agreements with Federal and State agencies involved
25 with enforcement of laws relating to prohibiting discrimi-
26 nation on the basis of national origin under which such

1 agencies would receive charges respecting unfair immigra-
2 tion-related employment practices under this section and
3 promptly forward such charges to the Special Counsel.”.

4 **SEC. 6. NATIONAL HOTLINE.**

5 Section 274B(c)(2) of the Immigration and National-
6 ity Act (8 U.S.C. 1324b(c)(2)) is amended by adding at
7 the end the following new sentence: “The Special Counsel
8 shall establish a national, toll-free telephone service to re-
9 ceive charges of unfair immigration-related employment
10 practices and otherwise provide for such outreach efforts
11 as will educate the public concerning the provisions of this
12 section.”.

13 **SEC. 7. TECHNICAL ASSISTANCE TO STATES AND LOCAL**
14 **GOVERNMENTS.**

15 The Attorney General, through or in consultation
16 with the Special Counsel for Immigration-Related Unfair
17 Employment Practices, shall provide technical assistance
18 to States and local governments concerning the provisions
19 of section 274A and 274B of the Immigration and Nation-
20 ality Act and the roles provided for receipt of charges of
21 violations of such sections.

22 **SEC. 8. MONITORING PANEL.**

23 The Attorney General shall establish a monitoring
24 panel, composed of citizens, representatives of the Mexican
25 American Legal Defense and Education Fund, La Raza,

1 and other community-based organizations, civil rights
2 groups, public interest groups, and nonprofit foundations,
3 to monitor the application of the anti-discrimination provi-
4 sions in section 274B of the Immigration and Nationality
5 Act and to report annually to the Attorney General and
6 the Congress respecting such implementation.

7 **SEC. 9. DEPARTMENT FROM FEDERAL CONTRACTS AS AD-**
8 **DITIONAL SANCTION FOR PERVASIVE VIOLA-**
9 **TORS.**

10 (a) IN GENERAL.—Section 274B(g)(2) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1324b(g)(2)) is
12 amended by adding at the end the following new subpara-
13 graph:

14 “(E) ADDITIONAL REMEDY.—If an admin-
15 istrative law judge determines that a person or
16 entity has engaged in or is engaging in a perva-
17 sive pattern of unfair immigration-related em-
18 ployment practices, the judge may order the
19 person or entity to be disqualified from being
20 issued any contract under Federal law during a
21 period of up to 1 year.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall apply to unfair immigration-related
24 employment practices occurring on or after the date of the
25 enactment of this Act.

